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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Karen M. Cheves et al.

Confirmation No.: 5388

Serial No.: 10/828,699

Examiner: S. Prasad

Filing Date: April 21, 2004

Group Art Unit: 3767

Docket No.: 1001.1705101

Customer No.: 28075

For: TRACTION CUTTING BALLOON

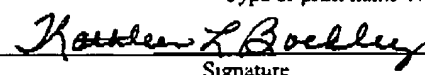
Mail Stop Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING  
REJECTION OVER A PENDING REFERENCE APPLICATION**

<b>CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))</b>	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at <u>571-273-8300</u> on the date shown below.	
_____ Karhleen L. Bockley	
Type or print name of person signing certification	
	September 11, 2006
Signature	Date

The owner, SciMed Life Systems, Inc., of full interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application No. 10/828,572, filed April 21, 2004 or Application No. 10/987,011, filed November 12, 2004, as such term is defined in 35 U.S.C. §§ 154 and 173, and the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon

Appl. No. 10/828,699  
Term. Discl. dated September 11, 2006  
Reply to Office Action of June 9, 2006

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the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said reference applications, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference applications: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory term as shortened by any terminal disclaimer filed prior to their grant.

The undersigned is an attorney of record.

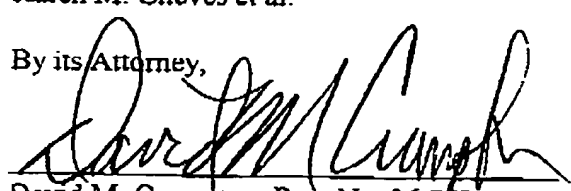
As indicated on the Fax Transmission Cover Letter, Applicants authorize the terminal disclaimer fee of \$260 (\$130 for each application being disclaimed) to be charged to Deposit Account No. 50-0413.

Respectfully submitted,

Karen M. Cheves et al.

By its Attorney,

Date: 9/11/06

  
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